

UNHCR's Annual Consultations with NGOs

29 June - 1st July 2010



**HEALTH AND NUTRITION CENTER
FOR IDPS WOMEN AND CHILDREN
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Rapporteur's Report

On behalf of NGOs:
Misikir Tilahun
Head of Programmes
Africa Humanitarian Action
Rapporteur for the Annual Consultations

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EXECUTIVE SUMMARY

On 29 June – 01 July 2010, UNHCR held its Annual Consultations with NGOs under the theme of “National Partners: Providers of First Resort”. The Consultations primarily offered the following recommendations:

- International organisations, including UNHCR, (1) should review and simplify their policies, procedures and structures when necessary to ensure that they are responsive to the needs of local and national NGOs who face serious challenges in a) accessing resources, b) building not just ‘project implementation capacity’ but broader ‘institutional’ capacity, c) adapting programmes to respond to changing local situations and d) working with the various clusters and within the wider international humanitarian system; and (2) should initiate sustained training and mentoring programmes on financial management, technical capacity, accountability and resource mobilisation mechanisms.
- International and national organisations should recognise and benefit from their complementary strengths and comparative advantages, and begin devolving decision-making power for resource allocation to local NGOs to increase local ownership, national coordination capacity, sustainability and adaptability to local situations. UNHCR and NGOs should include local host communities as beneficiaries when designing projects for refugees.
- Donors, in line with their commitments under the Good Humanitarian Donorship (GHD) initiative, should review and simplify their policies, procedures, programmes and structures to ensure that they do not place an undue burden on local NGOs when international organisations transfer complex accountability and reporting requirements onto local NGOs. Donors should also allocate more funding to develop and strengthen institutional capacities at the local and national levels. To this end, UNHCR should request donor countries to establish a special fund for local NGO capacity development.
- Partnerships are at the heart of effective protection and service delivery. To fulfill its mandate responsibilities in urban settings, protracted refugee situations, with internally displaced and stateless persons, and to protect displaced populations from intolerance, xenophobic and gender-based violence, it is crucial for UNHCR to enhance its partnerships with affected populations, NGOs, civil society, local authorities, academia and other relevant stakeholders.
- UNHCR, NGOs and civil society should work jointly to address the challenges presented by increasingly shrinking humanitarian, protection and asylum space. To this end, UNHCR and its partners should use the upcoming 60th Anniversary of the 1951 United Nations Convention relating to the Status of Refugees and the 50th Anniversary of the 1961 Convention on the Reduction of Statelessness to: (1) revitalise the consensus amongst nations around the basic principles of the Conventions; (2) create a new protection dynamic; (3) reduce statelessness; and (4) renew compassion for the plight of refugees at the grass-root level to ensure private and public donor support. UNHCR and NGOs should lobby for more States to accede into the Conventions, notably in the Middle East and North Africa (MENA) and Asia-Pacific regions.
- In line with the findings and recommendations of the Inter-Agency Standing Committee review on Preventing Sexual Exploitation and Abuse (PSEA), UNHCR’s Executive Committee should consider putting the issue on its agenda for 2011 and lead the way with its NGO partners in preventing sexual exploitation and abuse by aid workers in the field.

The following record of the Consultations presents a summary of the discussions and recommendations from the thematic and regional sessions.

OPENING PLENARY SESSION¹

Remarks from the Panel

Organized under the overarching theme of “National Partners: Providers of First Resort”, the 2010 Consultations sought to identify concrete proposals on how to strengthen partnerships between international organizations – including intergovernmental organizations such as UNHCR and international NGOs (INGOs) – and their national counterparts in order to improve the overall protection and delivery of assistance provided to beneficiaries.

UNHCR recognizes the value of national partners and gives priority to the development of their capacity to respond to emergencies effectively. Its largest group of implementing partners – some 79 percent – are national and local organisations, and out of the 206 NGOs registered for this year’s Consultations, 104 were of this group. NGO partners are important in fulfilling UNHCR’s role with refugees in urban settings, protracted refugee situations and internally displaced persons (IDPs). As all three populations bring renewed challenges, UNHCR encouraged its NGO partners to provide concrete suggestions for the way forward.

Protection challenges ahead are best addressed through partnerships. UNHCR recognizes the need to enhance protection capacities both within and outside the organization, especially in activities such as updating existing protection guidelines to address current challenges.

UNHCR is also looking to local and national partners as it prepares to mark the 60th Anniversary of the 1951 United Nations Convention relating to the Status of Refugees and the 50th Anniversary of the 1961 Convention on the Reduction of Statelessness. In particular, UNHCR will need the help of its NGO partners to advance four specific goals: (1) to revitalise the consensus amongst nations around the basic principles of the Convention; (2) to create a new protection dynamic; (3) to make progress to reduce statelessness; and (4) to re-position the displaced, the stateless and UNHCR in political and public fora in a way that rejuvenates compassion at the grass-root level and ensures that private and public sector donor support is forthcoming.

Although all stakeholders recognise the importance of partnership with local and national actors, effective partnership is still in its infancy. Continuous efforts are required to conceptualise the type of partnerships envisaged in the Partnership in Action (PARinAC) process and the Global Humanitarian Platform’s Principles of Partnership (GHP PoP). There seems to be a lack of adequate understanding of the concepts of “partnership” and “capacity development”, and how to move beyond rhetoric to practice.

¹ Regrets were received from the High Commissioner who traveled on an emergency mission to Bishkek, Kyrgyzstan.

Thus, the 2010 Consultations brought a unique opportunity to discuss common issues on how to improve joint service delivery to people of concern as well as to realise the vision that sees national and local partners at the forefront of humanitarian response as ‘providers of first resort’.

Discussions

Protecting and seeking solutions for displaced populations remains a challenge in many regions. Highlighted situations of concern include the plight of refugees and IDPs in Yemen, the repatriation of Rwandan refugees from Uganda, the shortage of legal aid offices in the global South and the gender and gender-based violence dimensions of displacement. Participants recommended that UNHCR should maintain a regularly updated database on country of origin situations which can serve as a source of information for lawyers, NGOs and governments. In addition, NGOs asked UNHCR to permit its partners to share the contact information of UNHCR field offices as they are sometimes hard to locate.

UNHCR noted that it carries out large programmes in Yemen, both for IDPs and new refugee arrivals. The Africa Bureau is developing comprehensive strategies for four protracted refugee situations in Africa, namely Angola, Burundi, Liberia and Rwanda. These include an increase in the search for durable solutions for remaining refugees, a roadmap toward invocation of the cessation clause and establishing guarantees for people from those countries who are still in need of international protection.

To supplement continuing projects to build the capacity of southern legal aid offices through trainings, UNHCR is currently making pro bono arrangements with lawyers in Europe in an attempt to create a network of lawyers to serve several countries across the world. In addition, UNHCR uses a participatory approach in gender programming. UNHCR’s Age, Gender and Diversity Mainstreaming (AGDM) strategy is a cascading structure that begins with the High Commissioner and goes all the way down to people in the field and requires all to undertake activities on AGDM issues to which they are accountable.

The recommendation to provide up-to-date country of origin situations was well received. UNHCR noted that, in principle, it does not prohibit its partners from sharing the contact information of its field offices. Indeed, this information is readily available to the public through UNHCR’s communication outlets.

In addition, UNHCR noted that it will revisit the protection handbook to ensure due attention to the protection needs of urban refugees and IDPs, as well as consider regional approaches to some of the current protection challenges. These measures provide further opportunities for cooperation between UNHCR and NGOs.

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## **THEMATIC SESSIONS**

### **Moving from Policy to Practice in Urban Settings**

Almost half of the world’s 10.5 million refugees now live in cities and towns, compared to one-third living in refugee camps. These numbers will increase due to urbanisation. In September

2009, UNHCR issued a new policy on urban refugees which took a rights-based approach: *UNHCR's mandate responsibilities towards refugees are not affected by their location*. The policy is premised on the understanding that urban areas are legitimate places for refugees to enjoy their rights.

There is now a need to adopt a practical toolkit for implementing protection in urban areas that includes mechanisms for evaluation and measuring progress and impact. Success will require new partnerships and attention to identifying and overcoming legal and xenophobic barriers to self-reliance.

***Recommendations:***

- Partnerships are at the heart of effective protection and service delivery in urban settings and, thus, must include refugees, local and international NGOs, municipal and national authorities, development organisations, and academia.
- UNHCR and NGOs should prioritise training of refugees and refugee communities about both their obligations and rights and how they may access local organisations that work on refugee rights issues. Training should also be provided to the local authorities so as to protect refugees against arbitrary detention and deportation.
- UNHCR and NGOs Promote linkages between legal aid providers and other services to allow for a more holistic approach to address refugee needs. Lawyers with expertise in the asylum field should also work with lawyers who practice in other fields (e.g. family and commercial law) so as to ensure the varied legal needs of refugees are covered.
- UNHCR and its partners should establish a cross-sector national network to identify the various services needed with extant interventions to avoid duplication.
- UNHCR and NGOs should involve refugees in assessing their needs and also include them in decision making processes.
- Recognize the necessity for flexible and innovative programming. The ability to adapt and adjust the design and implementation of assistance programs is key to addressing the specific needs of urban refugees and the challenges around access and outreach.

**Strengthening partnerships at local-national level**

As noted, national partners are UNHCR's single largest group of implementing partners. They constitute 79 percent of UNHCR's 852 partners, and in 2009, 35.4 percent of UNHCR's expenditures were spent through all partners. However, while this is encouraging both in terms of numbers and funding, current challenges in the global humanitarian environment call for conventional transformation of approaches.

To this end, it is necessary to strengthen existing partnerships and forge new ones. National and local organisations should emerge as the most important element in the provision of assistance. Through their intimate knowledge of the environment and dynamics of their communities, national organisations have been able to develop unique capacities in accessing populations of concern with sufficient discretion and safety. Therefore, it is crucial for UNHCR and other international organisations to move beyond the traditional practice of viewing national partners as simply implementers of programmes they design, rather helping them develop, implement and manage context-sensitive programmes to assist the affected populations.

Inherent in the question of how to strengthen partnerships is the misguided assumption that international organisations have capacity and local partners do not. When considering the capacity building needs of all actors, we must recognise the comparative advantage of each type of organisation. In addition, capacity building for local NGOs must be related to their role and at the organisational level, not just in terms of the programme accountability requirements of international organisations.

There was also recognition that national NGOs should pool their resources and organise themselves better nationally, regionally and continentally through advocacy networks on specific issues.

***Recommendations:***

- International organisations, including UNHCR, should review and simplify their policies, procedures and structures when necessary to ensure that they are responsive to the needs of local and national NGOs who face serious challenges in a) accessing resources, b) building not just ‘project implementation capacity’ but broader ‘institutional’ capacity, c) adapting programmes to respond to changing local situations, and; d) working with the various clusters and within the wider international humanitarian system.
- Jointly develop principles, standards and guidelines for international organisations working in partnership with local NGOs that factor-in the necessity to redress the power imbalances present within partnerships, enhance complementarities and recognise the comparative advantages of local NGOs and their unique capacities (local knowledge, contacts, greater ‘credibility’ and skills).
- UNHCR should design an inclusive process for the joint review of UNHCR’s 2003 Partnership’s Operations Manual, ensuring it accounts for not only developments since 2003 (such as UNHCR’s new Urban Refugee Policy, the cluster approach, GHD PoP etc.) but also include clearly stated statements of commitment to partnership, local NGO capacity development and the rights and responsibilities of each partner. International organisations, including UNHCR, should also initiate sustained training and mentoring programmes on financial management, technical capacity, accountability and resource mobilisation mechanisms.
- International and national organisations should recognise and benefit from their complementary strengths and begin devolving decision-making power for resource allocation to local NGOs to increase local ownership, national coordination capacity, sustainability and adaptability to local situations.
- UN agencies and INGOs should share information gathered through survey and research with local and national organisations more actively, consistently and transparently. The implications of emerging risks and challenges identified by international organisations should be communicated to local and national organisations and practical operational guidance should be supplied.
- Donors, in line with their commitments under the GHD initiative, should review and harmonise their policies, procedures, programmes and structures to ensure that they do not place an undue burden on local NGOs when international organisations transfer complex accountability and reporting requirements onto local NGOs. Donors should also

allocate more funding to develop and strengthen institutional capacities at the local and national levels.

### **Statelessness**

Although there are an estimated 12 million stateless persons worldwide, there has not been enough international action to protect the stateless. For its part, UNHCR will use the 50<sup>th</sup> Anniversary of the 1961 Convention on the Reduction of Statelessness to lobby for action to prevent and reduce statelessness. The Office will increase efforts to promote accessions to the UN statelessness Conventions, work for law reform to prevent statelessness in countries around the world and seek solutions for 500,000 stateless persons through acquisition of nationality. UNHCR is gradually developing staff capacity through learning programmes, increasing its budgets and expanding the scope of its activities.

Participants highlighted the gaps which remain, however. Although more NGOs are involved, there is not yet an international coalition of NGOs working on statelessness. Participants also highlighted the need to further develop the international legal framework pertaining to statelessness, including through accession to the two statelessness conventions. UNHCR's NGO partners are encouraged to play a prominent role in this regard. Compared to the literature on refugees, information available on stateless persons is minimal and research needs to be encouraged. Far more needs to be done to identify stateless populations, profile them and recognise protection gaps. There is need for professional decision-making bodies and for clear procedures for the determination of statelessness. The panel highlighted that UNHCR and its NGO partners must work together to address various challenges such as gaps in nationality legislation which lead to statelessness, lack of birth registration and issuance of identity documentation.

In addition, many stateless persons are detained as illegal immigrants pending deportation. Because stateless persons often cannot be removed, this creates a situation where indefinite detention occurs. This issue must be addressed, and standards and guidelines on the detention of stateless persons developed. Finally, provision of information and legal aid to stateless individuals was identified as a key activity to address many of the causes and consequences of statelessness.

### ***Recommendations:***

- Statelessness must be seen as a human rights issue. There must be greater partnership with human rights organisations and NGOs to collectively address statelessness including by bringing it to the attention of human rights supervisory mechanisms.
- Governments should take more ownership of the issue. NGOs have a strong role to play in this regard. There is no one-size-fits-all approach. The entry points in each context will be different, and these must be identified and exploited in partnership with UNHCR. For example, it was suggested that UNHCR should make recommendations to the Hungarian presidency of the EU in 2011, to prioritise statelessness and statelessness determination procedures during their presidency.



- There is a need for a broad-based NGO coalition to address statelessness with each organisation working from the perspective of its area of expertise, i.e. child protection, gender equality, protection of the rights of migrants, etc.
- Jurisprudence should be researched and analysed and the judiciary should be actively engaged.
- Increase partnership with the academic community. A good practice in this regard is the annual European course on refugee law (ELENA Course), which has a section on statelessness. The soon to be published UNHCR teaching guide on statelessness at universities is also an encouraging development in this context.
- Further training of UNHCR country offices is necessary, particularly with regard to stateless status determination and practical protection solutions. At present there appears to be a gap between UNHCR guidance and the knowledge of staff in the field, e.g. that the arbitrary withdrawing of nationality is grounds for refugee status.

### **Preventing Sexual Exploitation and Abuse**

Sexual exploitation and abuse (SEA) is a gross violation of the rights of affected populations. Since the 2002 report by UNHCR and Save the Children exposed the SEA scandal in West Africa by humanitarian aid workers, much work has been done to better protect refugees and other vulnerable populations. Over the years, however, the focus on *prevention* of sexual exploitation and abuse (PSEA) seems to have diminished.

In 2009, the Inter-Agency Standing Committee (IASC) analysed where the humanitarian community stood with regards to PSEA and to suggest ways forward. The report found that, while much progress has been made, accountability and leadership were still lacking. While organisations, have made substantive progress at the policy and guidance level, acceptance and absorption at the field level is lacking.

NGOs supported the recommendations of the review and asked the IASC Working Group (IASC WG) to move the recommendations forward at its next meeting. The recommendations ask senior managers to promote PSEA policies more actively, put in place complaints mechanisms, and institutionalise investigation procedures.

Awareness-raising efforts and complaint mechanisms for affected populations are not adequate. Policies and guidance have not been well communicated to the field. Neither management nor staff demonstrates consistent acceptance or understanding of the policies as well as consequences of breaches. Managers are not being held accountable to fulfil their PSEA obligations. Where agencies have received specific funding to work together on PSEA, such as Kenya or Thailand, progress has been registered. UNHCR seems to be among the organisations that has made progress and is working with its partners to prevent SEA. In situations where clusters are in place (e.g. internal displacement situations), PSEA seems to fall between the cracks.

PSEA must be viewed not only as a human resources and compliance issue, but it must also be linked to programming. The current Secretary-General's Bulletin should be re-launched to raise awareness within agencies and some of the perceived ambiguity in language should be reviewed. UNHCR is called upon to provide leadership on the issue within the humanitarian community,

given its experience and comparative good practice. NGOs also need better coordination amongst themselves, including in the form of establishing joint complaint mechanisms.

***Recommendations:***

- Sexual exploitation and abuse is the most egregious failure of accountability towards the populations for whom we work, but this issue has become less of a focus and agencies must revitalise their commitment to prevent it.
- UNHCR’s Executive Committee should consider putting the issue on its agenda for next year to push for implementation of policies in the field.
- NGOs agree with the findings and recommendations of the PSEA review and want to ensure that the IASC takes the recommendations forward seriously and with the visible support of senior management. Overall, the IASC should demonstrate leadership on this issue but UNHCR and its NGO partners collectively could pick up the mantle by following through with the recommendations in the review.
- PSEA needs to be linked to programming, but also remain a human resources and compliance issue. Participation and information as well as developing community-based complaints and response mechanism create an environment that is safer to prevent SEA. We need to work more effectively with the populations we serve.

**Protecting all IDPs**

In many situations, specific groups of IDPs are often “invisible” to international agencies, either by choice or as a result of a particular type of displacement (e.g. urban) for which humanitarian organisations have not developed sufficient expertise. This is the case of IDPs outside of camps, for which disaggregated data and information about their exact location is often lacking, thus hindering an equal delivery of assistance and protection.

Where they are among host communities, it becomes also necessary to better understand the impact of displacement in these communities and to adopt a holistic approach, looking at comparative vulnerabilities of IDPs and hosts. In urban contexts, IDPs outside of camps may have particular opportunities, such as wider livelihood options and variety of services, but also challenges such as lack of skills to adapt to the local job market and problems of access to services. Urban areas often face lack of response preparedness by State and NGOs and limited coordination.

Updated and context-sensitive profiling exercises may help UNHCR and NGOs to identify and locate IDPs, and develop interventions which respond to the specific needs and vulnerabilities of each group simultaneously taking into account the situation of host populations. It is also essential to be more creative in partnerships, including both between humanitarian and development actors, as well as with municipal authorities and IDPs themselves. UNHCR and the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons have also launched a discussion at the Inter-Agency Standing Committee (IASC) on how better to protect and assist IDPs outside of camps.

***Recommendations:***

- Coordination is essential to realise the full potential of the network of actors, especially in urban settings. Adapted coordination skills and capacities need to be developed.
- Investing in partnerships is essential to work with IDPs outside of camps, bringing in local NGOs, local authorities, CBOs, faith-based groups, community volunteers and the private sector. In protracted displacement situations, it is important to facilitate funding to local organisations with the advantage of privileged access, and to tap into the role of the National Red Cross and Red Crescent societies.
- Categories need to be more flexible and strategies need to adapt to local context. Area-based interventions are also needed to cover host communities.
- Ensuring the participation of IDPs out of camps in humanitarian decision-making is essential, taking into account all IDP groups. IDPs can also be included in monitoring and evaluation exercises. An ethical approach to participation is needed. The costs of participation for IDPs out of camps are high in terms of time, resources and security. Thus, efforts by humanitarian organisations to facilitate participation need to be sustainable in time and should ensure that IDP's opinions are truly considered.
- Sensitivity to context is essential to work in urban areas. It needs targeted socio-political analysis and understanding the particular vulnerabilities of IDPs in urban contexts. UNHCR should recognise that the urban refugee policy has also implications for IDPs, adopt a lessons learnt approach and provide operational guidance on working with IDPs in urban settings.

### **Protection from Xenophobia, Racism, Intolerance and Bias-Motivated Violence**

Protection from xenophobic, racist and other bias-motivated violence (“hate crimes”) and discrimination is at the heart of protection of refugees, asylum-seekers, stateless and displaced persons. Media, nongovernmental groups and state agencies around the world report that xenophobia and xenophobic violence are on the rise. In a recent statement on the renewal of his mandate, the High Commissioner cited “growing intolerance and xenophobia” as one of the main challenges that lie ahead.

Hate crimes, specifically, when left unchecked, impinge upon freedom of movement and result in progressive marginalisation and exclusion. Fear of violence hinders refugees and asylum-seekers from accessing services. Hate crimes undermine the ability of the host to provide a safe haven, exposing refugees and asylum-seekers to new kinds of persecution.

Despite strong treaty obligations and political commitments, there are significant gaps in various areas – including leadership, law enforcement and collaboration with civil society – necessary to ensure protection. Actions from all stakeholders are needed to combat xenophobia, racism, intolerance and hate crimes in many parts of the world.

#### ***Recommendations:***

- Strategies should be devised to strengthen protection for refugees, asylum seekers, returnees, stateless and internally displaced persons who are the focus of xenophobia, racism, racial discrimination, intolerance and bias motivated violence. These include legal and educational strategies and measures by all relevant local stakeholders to promote diversity and respect in a society. Efforts should be sustained over the long term.

- A broad range of institutions and agencies should be involved, including different UN agencies such as UNHCR, embassies, national human rights institutions, civil society groups and faith-based groups. Partnership is a key element in developing successful strategies. National authorities, which have the ultimate responsibility for protection, should strengthen their role to address such violence in the context of refugee protection, including developing relevant public policy and prosecuting those who commit violent acts. Civil society groups have a key role to monitor state actions to ensure accountability.
- The commemoration of the 1951 Refugee Convention in 2011 should be used as an opportunity to highlight the need for increased state action and civil society attention to counter xenophobia and violence.

### **Overcoming Vulnerabilities and Empowering Women in Protracted Refugee Situations**

Protracted refugee situations (PRS) – defined by UNHCR as where “refugees have been in exile for 5 years or more after their initial displacement, without immediate prospects for implementation of durable solutions” – is one of the most complex challenges. These situations occur mostly in the world’s poorest and most unstable regions. Women are particularly vulnerable to human rights abuses and are often dependent on different forms of assistance. Guaranteeing the social well-being of refugee women could impact whole families. Therefore, gender-sensitive policies are needed.

#### ***Recommendations:***

- UNHCR and NGOs should include local host communities as beneficiaries when designing projects for refugees.
- UNHCR should share experiences from voluntary return and reintegration measures from Europe with people working in camp settings.
- UNHCR should facilitate citizenship for refugees who have resided in the host country for an extended period of time (e.g. Tanzania granting citizenship to Burundian refugees).
- UNHCR and NGOs should develop policies and minimum standards which clearly state that the security of women is not negotiable.
- Donors, UNHCR and NGOs should strengthen programmes that reach out to women through refugee community workers and peer educators.
- UNHCR and its NGO partners should conduct education campaigns for law enforcement, humanitarian workers and the media to increase awareness about violence against women.
- UNHCR and NGOs should involve men as part of the solution in prevention and response programmes to violence against women and recognise the fact that males are also subject to SGBV.
- UNHCR and NGOs should jointly examine issues involving both PRS in camps and PRS in urban settings together as solutions will be much the same.

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REGIONAL SESSIONS

Bureau for the Middle East and North Africa (MENA)

The MENA region both generates and hosts refugees and displaced persons. It presents serious protection challenges as it largely lacks an asylum system and prospects for local integration. Mixed migration movements in the North African sub-region have presented serious operational difficulties for UNHCR and its NGO partners. The situation with IDPs and new refugee arrivals in Yemen, internal displacement in Iraq, detention in Egypt and the proposed ‘Anti-Infiltration’ law to be enacted in Israel were discussed in detail as some regional challenges.

Recommendations:

- UNHCR should continue to support States, civil society institutions and other relevant actors to ensure the protection of refugees and asylum seekers and to bridge the existing protection and assistance gaps.
- Within a framework of strategic, comprehensive and continuous efforts, UNHCR and NGOs should increasingly provide protection to vulnerable populations specifically.
- UNHCR’s policy and effort to prevent and stop forced return and abuse at capture should be strengthened and continued, including UNHCR’s position not to force the return of Iraqis into Iraq.
- As the 1951 Refugee Convention is not yet accepted by most Arab governments, UNHCR and its NGO partners should work to develop a common Arab agreement for the protection and assistance of refugees and those seeking asylum. In the meantime, advocacy for accession to the 1951 Convention should continue.

Bureau for Europe

The full spectrum of issues managed by UNHCR worldwide can be found in Europe: asylum seekers, refugees, returnees, internally displaced persons and stateless persons. Some 80 percent of individual asylum claims made in the industrialised world are adjudicated in Europe. As in many parts of the world, humanitarian space – including asylum space – is under strain in Europe. Internal displacement continues to be a major challenge in some European countries, with IDPs facing limited prospects for durable solutions. While efforts continue in the EU to build a Common European Asylum System, there remains a large gap between standards and practice.

The session focused on the issues of access to the territory of the EU (and other countries) for persons seeking protection, the implementation of the Dublin II Regulation and the problems caused by lack of consistency in the asylum practice of European countries. The particular situation of Turkey as the main entry route to the EU was highlighted. The long cooperation between UNHCR and NGOs in Europe was applauded but a call was made for strengthened cooperation among NGOs to build the capacities of civil society, especially in eastern and southeastern Europe.

Recommendations:

- UNHCR and NGOs should work together to decrease the gap between EU legislation and its implementation by Member States.
- UNHCR should continue to focus on border monitoring activities at Europe’s external borders.
- UNHCR should highlight the situation and good practices in other regions of the world (e.g. Tanzania’s naturalization of 162,000 Burundians) to demonstrate that the majority of the world’s refugees are not in Europe.
- ECRE and UNHCR should map good practices and gaps with respect to accessing the territory and asylum systems in Europe
- ECRE and UNHCR should consider the feasibility of developing a Europe-wide code of conduct for the media on how to report on asylum issues.
- UNHCR should provide support to NGOs to intervene in key asylum cases in national and regional courts.

Bureau for Asia and the Pacific

Building new and innovative partnerships constitutes an important way forward to overcome key challenges UNHCR continues to face in the provision of protection and assistance to refugees and other persons of concern in the Asia-Pacific region. While countries in the region host a large number of refugees and IDPs (e.g. Pakistan and Iran), States need to take more responsibility for protecting these populations and find solutions for refugees within the region rather than expecting countries in other parts of the world to resettle them. Humanitarian space in general is shrinking, and protection and asylum space in particular are increasingly eroded. Working in high risk security environments is characteristic of several operations in the region. Furthermore, as the region is particularly prone to natural disasters, a new approach is required in partnership and reaching beneficiary communities in time.

Recommendations:

- UNHCR and NGOs should launch a renewed and concerted effort to get more states in the region to sign the 1951 Refugee Convention. Accession in Asia is very low as compared to other parts of the world.
- CSOs should engage more vigorously with governments on refugee protection issues. The role of civil society as promoters of good asylum practices – and not only as service providers – should be further explored.
- UNHCR should collaborate with its NGO partners in shaping and developing legislation, as local partners may often know what is going on inside the political and legislative circles of government better than UNHCR.
- UNHCR should establish stand-by partners for natural disasters, especially in disaster-prone regions. UNHCR can identify credible NGOs through its regional partners such as SAARC and ASEAN. In addition, UNHCR should consider engaging reputable national NGOs as “umbrella organisations” or “intermediary organisations” to partner with local organisations for the purposes of better protecting and providing assistance to refugees and IDPs in non-secure environments.
- When operating in high security risk areas, it is crucial to keep lines of communication open with different actors, including conflict parties, for security and delivery purposes.

- UNHCR should promote good practices across regions as concerning difficult issues (e.g. HIV/AIDS good practices on prevention measures). UNHCR should also more fully engage with Islamic NGO partners to increase both the acceptability and effectiveness of reproductive health and SGBV initiatives.

Bureau for the Americas

Over the past years, countries throughout the Americas have witnessed that migration movements have become more complex and increasingly ‘mixed’ in character as countries of origin, transit or destination or a combination thereof. While the motivation and reasons of those moving may differ, whether refugees or migrants, they travel together, use the same modes of transport, employ the services of the same smugglers and many times are exposed to the same risks and abuses. While these movements are largely intra-regional with the USA hosting the highest number of migrants and refugees, a large number also migrate elsewhere, mainly to Europe. Additionally, the displacement of Colombians – mainly due to armed conflict, aerial fumigation of crops, animals and water sources, and attacks by paramilitary groups – continues to be a crisis in the region, especially in the borders with Ecuador, Venezuela and Panama.

As in other regions, the complex characteristic of the migratory movement in the region creates challenges for States in balancing national interests to combat transnational organised crime with upholding international obligations on human rights and refugee protection in general, and the respect of the right to seek asylum and the respect of the principle of *non-refoulement* in particular. Borders are especially sensitive areas for migrants and refugees who do not have entry documents. Among other violations, sexual abuse, exploitation, extortion and kidnapping have increasingly occurred in the border areas.

Of particular concern is the action of some States whose principal response to these irregular mixed migratory movements has been stricter control measures, which often lack sufficient protection safeguards and assistance measures. In such a context, protecting persons in need of international protection requires that all stakeholders work together to optimize their relative strengths and capacities.

The session underscored the need for a rights-based approach to provide the necessary protection to refugees, asylum seekers and other vulnerable populations, and to ensure that good policies and legal tools are actually implemented and receive adequate resources.

Recommendations:

- All stakeholders must work together to preserve and expand protection spaces for refugees and displaced populations in the region. This requires cooperation between government, civil society, NGOs and UNHCR, and mobilisation of the affected populations and host communities.
- UNHCR should reinforce its activities in Colombia on the prevention of internal displacement and protection for IDPs.
- As part of the partnership process, there is a need for all stakeholders to share practices, working jointly on informational campaigns, lobbying for good legislation and

mobilising political will to implement it. Local organisations and affected populations must be included in the decision-making process.

Bureau for Africa

Sub-Saharan Africa is home for 10.2 million people of concern to UNHCR, including more than 2.1 million refugees and 6.5 million IDPs. A large number of people were newly displaced in 2009, particularly in the Democratic Republic of Congo (DRC) and Somalia, while others have returned home, most notably in the DRC, Sudan and Uganda.

While there are a great number of needs to address, resources are increasingly becoming limited. UNHCR seeks USD 1.5 billion for its programmes in Africa alone. UNHCR has, therefore, prioritised certain non-negotiable priorities at planning and resource levels. Strengthening the prevention and response to sexual and gender-based violence (SGBV) is high among these. In addition, Results-based Management (RBM) has been progressively strengthened in UNHCR programmes, accompanied by the introduction of new processes and tools, including the Comprehensive Needs Assessment (CNA) approach, the four-pillar budget structure and the new *Focus* software.

Furthermore, UNHCR will continue to work with the African Union, civil society organisations and other relevant stakeholders to promote the prompt ratification and implementation of the Kampala Convention for the Protection and Assistance of IDPs in Africa adopted by the African Union's Special Summit in October 2009.

UNHCR acknowledged the deep concerns expressed by NGOs regarding the voluntariness of some repatriations such as the repatriation of Rwandan refugees from Uganda. NGOs noted that the cessation clause date is having some ripple effect within Uganda and contributing toward a growing xenophobic attitude within the host community. In addition, NGOs cautioned that SGBV programmes should not exclude assistance to men who are also victims of the violence. Finally, an implementing partner from Chad expressed that UNHCR's *Focus* related reporting requirements were deemed to be too frequent and cumbersome.

Recommendations:

- As the organizational survival of UNHCR and its partners is based on our joint ability to justify the use of resources made available to us, it is critically important to best serve the people we assist by demonstrating accountability for the resources we use and the work we do.
- UNHCR and its NGO partners should work together to combat SGBV, focusing firstly on prevention, but also by providing comprehensive support to victims and survivors. This is a crucial area which requires much more work. SGBV protection and assistance activities must include male victims.
- Preparedness and prevention of outbreaks of xenophobic violence cannot be done in isolation. It requires a strong coordinated approach by UNHCR, local authorities and NGO partners.
- UNHCR and its NGO partners should mobilise together and work on strategies to raise funds to ensure that vulnerable groups of concern are assisted. UNHCR and international

NGOs are urged to assist local and national partners in developing their institutional capacity to raise funds for their programmes.

- UNHCR should revise its reporting requirements for implementing partners and ensure that they are not burdensome in light of the field realities.
- UNHCR and NGO partners should work together to advocate for the ratification and implementation of the African Union IDP Convention by AU Member States.

CLOSING PLENARY SESSION

The Deputy High Commissioner (DHC) relayed a message from the High Commissioner. The High Commissioner called for: (1) a renewed focus on protection issues, (2) practical steps towards building the capacity of local actors to respond to emergencies and (3) a commitment for joint advocacy work to protect an increasingly shrinking humanitarian space.

In addition, the DHC stressed that accountability should be one of the core values entrenched in the operations of UNHCR and NGOs. UNHCR takes seriously its accountability commitments to beneficiaries, donors, and NGO partners. As UNHCR strives to provide its NGO partners with a reliable source of funding, NGOs should equally demonstrate a results-based management (RBM) approach in utilising the resources provided.

The Assistant High Commissioner for Operations noted the timeliness of this year's overarching theme of partnership with national actors. When their capacity needs are fulfilled, national partners are indeed providers of first resort. In addition, the role of national partners in shaping policy and strategy must be strengthened. While the recommendations from this year's Consultations layout a good foundation, it is time to go from theory to practice.

For future Annual Consultations, NGOs recommended that UNHCR should consider a 'result-based Consultations' approach. This would consist of a mechanism that tracks the recommendations from the Annual Consultations and reports the progress and impact of these recommendations in the works of UNHCR's Executive Committee, the IASC and in funding trends.